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SUBJECT: URIBE REELECTION BID HITS ANOTHER SPEED BUMP

REF: BOGOTA 3347 AND PREVIOUS; 08 BOGOTA 4372

¶1. A sub-panel of Colombia's National Electoral Council (CNE) on November 12 announced it had invalidated the signatures on the nationwide petition that initiated the process of reforming the Constitution to allow President Uribe to run for a third term (ref A). The CNE's investigation began in late 2008 when former U Party Secretary Luis Guillermo Giraldo - the petition drive's primary organizer - could not explain the source of the drive's 1.9 billion pesos (835,000 USD) in financing, well over the legal limit of 335 million pesos (147,000 USD) (ref B). The sub-panel of three CNE magistrates was chosen to decide the issue after the full Council deadlocked in October ruled the excess spending illegal.

¶2. The decision in theory invalidates the entire reelection drive, as the petition was the legally required first step in the process. Still, the decision is by no means final. CNE magistrate Carlos Mario Isaza, a member of the sub-panel, noted the decision could be appealed and that the referendum process could continue. However, CNE Vice President Juan Pablo Cepero called the announcement "premature" and said the three magistrates were not empowered to make a legal ruling - only to make a recommendation to the full CNE. At the same time, Colombia Primero ("Colombia First") - the group that organized the petition drive - announced it would appeal the decision on the grounds that only the full CNE can rule on the issue, and even then the CNE is only empowered to nullify the results in case of fraud and not illegal financing.

¶3. The final word on the referendum belongs to the Constitutional Court. Court President Nelson Pinilla announced that on November 11 the deadline had passed for the referendum's formal documentation to be submitted to the Court. Beginning around November 15, Pinilla said, the Inspector General will have a 30 day window to submit its (non-binding) opinion on the referendum law. A 10 day public comment period will begin at the same time. Pinilla noted the Court would not rush its decision, as it had many other important issues to consider. Leading daily "El Tiempo" pointed out the full Court would probably not begin its review of the referendum until late January and would then have up to two months to decide the issue - which would clearly be very close to the May 30 presidential election date. Newsweekly "Semana" predicted that the Court would probably nullify the reelection effort if the full CNE were to finally decide the petition was invalid.

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